

AN ORDINANCE BY

Natasha A. Kirby

08-0 -2314

AN ORDINANCE AMENDING AND SUPPLEMENTING THAT CERTAIN ORDINANCE 05-O-2259 ENACTED BY THE CITY COUNCIL OF THE CITY ON NOVEMBER 21, 2005 AND SIGNED BY THE MAYOR ON NOVEMBER 22, 2005 TO AUTHORIZE ADDITIONAL FUNDING FOR THE MEMORIAL DRIVE GREENWAY PROJECT IN AN AMOUNT NOT TO EXCEED SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) FROM QUALITY OF LIFE BOND 3 CITYWIDE GREENSPACE FUNDS ACCOUNT SEGMENT/PATEO NUMBERS: 13102550 (PROJECT) 104 (TASK) 313821776 (AWARD) 5411001 (EXPENSE TYPE-LAND); AND ACCOUNT SEGMENT NUMBERS-3138 FUND 2008 QUALITY OF LIFE BOND FUND, 130308 DEPT/ORG DPW TRANSPORTATION DESIGN, 5411001 ACCOUNT LAND, 4270000 FUNCTION TRAFFIC ENGINEERING, 102550 PROJECT GREENWAY TRAIL PROJECTS, 21776 FUNDING SOURCE 2008 QOL BOND 3138; APPROVING CONFORMING CHANGES TO THE INTERGOVERNMENTAL AGREEMENT RELATING THERETO; AND FOR OTHER PURPOSES.

WHEREAS, in order to encourage the redevelopment of the eastern downtown area of the City of Atlanta, Georgia, the City Council of the City of Atlanta, Georgia (the "City"), by Ordinance 03-O-1846, adopted on December 2, 2003 and signed by the Mayor on December 9, 2003, as amended by the City Council of the City by Ordinance 04-O-0231, adopted on February 16, 2004 and approved by the Mayor on February 24, 2004 (i) adopted the Eastside Redevelopment Plan (the "Redevelopment Plan") pursuant to the authority granted to the City under the Redevelopment Powers Law, O.C.G.A. § 36-44-1, et seq. (the "Act"), and (ii) created the City of Atlanta Tax Allocation District Number Five – Eastside (the "TAD"); and

WHEREAS, the City has previously authorized the undertaking and funding of certain parks and greenspace projects, including, without limitation the Memorial Drive Greenway Project, within the TAD pursuant to Ordinance 05-O-2259, adopted on November 21, 2005 and signed by the Mayor on November 22, 2005 (the "Greenway Acquisition Ordinance") and attached hereto as Exhibit A; and

WHEREAS, the City has appointed the Atlanta Development Authority ("ADA") as the City's redevelopment agency pursuant to the Act for the purpose of implementing the redevelopment initiatives set forth in the Redevelopment Plan and for other purposes, including, without limitation, serving as agent for the City with respect to the Memorial Drive Greenway Project; and

WHEREAS, the City approved Ordinance 07-O-1528, adopted on August 20, 2007 and signed by the Mayor on August 28, 2007 to expand the Eastside TAD Memorial Drive

Greenway Corridor Project Area (“Project”) to include Block 7, which is bounded by Oakland Avenue, Biggers Avenue, MLK, Jr. Drive, and George Street, Parcel Identification Numbers 14-0045-0008-034 through 14-0045-0008-046 (See attached as Exhibit “B”) and to authorize an amount not to exceed \$1,800,000 for additional acquisition and development costs; and

WHEREAS, the City has identified additional funding for acquisition and development of the Memorial Drive Greenway Project in an amount not to exceed six hundred thousand dollars (\$600,000.00) from Quality of Life Bond 3 Citywide Greenspace Funds; and

WHEREAS, the City Council of the City, after full review and consideration of the information available to it, has determined that it is in the best interest of the City to authorize the use of the additional funding identified above for the Memorial Drive Greenway Project, and to authorize the execution of an amendment, if required, to that certain Intergovernmental Agreement between the City and the ADA relating to the Memorial Drive Greenway Project reflecting the authorization of such additional funding.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

Section 1. Section 3 of the Greenway Acquisition Ordinance 05-O-2259 is hereby amended and replaced in its entirety to read as follows:

“The Mayor or her designee the Atlanta Development Authority (“ADA”), on behalf of the City, is hereby authorized to negotiate with land owners to purchase real property within the Memorial Drive Greenway Project area described, as amended in Ordinance 07-O-1528, and to fund relocation costs, demolition, development and expenses and other Redevelopment Costs relating to such redevelopment activities, in an amount not to exceed \$6,099,630.00 (which amount includes up to \$3,300,000 in Series 2005 Bond proceeds, \$399,630.00 from the District 5 Quality of Life Bond 2 Greenspace Funds, Fund Account Center Number 1C50-571001-Y63F062792BH, (\$450,000.00) from the Citywide Greenway Trails Project Quality of Life Bond Fund, Account, and Center Number: 1C50 (2004 Quality of Life Bond) 571001 (Land) Y63F063592BH (Greenway Trails Projects); an amount not to exceed four hundred fifty thousand dollars (\$450,000.00) from Fund, Account, And Center Number 1C28 (General Government Capital Outlay Fund) 571001 (Land) N12P06129988 (Greenspace Program, Park South); and a donation from the Historic Oakland Foundation in an amount not to exceed nine

hundred thousand dollars (\$900,000.00), and an additional funding in an amount not to exceed six hundred thousand dollars (\$600,000.00) from Quality of Life Bond 3 Citywide Greenspace Account Segment/PATEO Numbers: 13102550 (PROJECT) 104 (TASK) 313821776 (AWARD) 5411001 (EXPENSE TYPE-LAND); and ACCOUNT SEGMENT NUMBERS-3138 Fund 2008 Quality of Life Bond Fund, 130308 Dept/Org DPW Transportation Design, 5411001 Account Land, 4270000 Function Traffic Engineering, 102550 Project Greenway Trail Projects, 21776 Funding Source 2008 QOL Bond 3138.

Section 2. The Mayor is hereby authorized to execute and deliver an amendment to the Intergovernmental Agreement reflecting the authorization of the use of the additional funding for the Memorial Drive Greenway Project as contemplated herein.

Section 3. That any and all actions already taken or to be taken by the officers, directors, agents and staff of the City or ADA which are consistent with this Ordinance are hereby authorized, ratified and approved, as applicable, in all respects.

Section 4. That the provisions of any and all resolutions or ordinances, as and to the extent in conflict with this Ordinance, be and the same are hereby modified, amended, replaced or repealed, as the case may be, but only to the extent of the conflict. For purposes of clarification and without intending to limit the generality of the foregoing whatsoever, it is understood and agreed that except as expressly set forth herein or contemplated hereby, all remaining provisions of the Greenway Acquisition Ordinance shall survive and remain in full force and effect.

Section 5. That this Ordinance shall be effective immediately upon its enactment.

EXHIBIT A

Copy of Ordinance 05-O-2259

EXHIBIT B

Copy of Ordinance 07-O-1528

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview:

Caption:

Council Meeting Date:

Requesting Dept.:

FAC Confirmed by:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation.

The purpose of this legislative request is to have an Ordinance authorizing additional funding in an amount not to exceed \$600,000 from Quality of Life Bond 3 for acquisition and development of the existing Eastside TAD Memorial Drive Greenway Project.

2. Please provide background information regarding this legislation.

The Eastside TAD Memorial Drive Greenway Project, previously authorized under 05-O-2259 and 07-O-1528, allows for the acquisition and development of a seven block area which will ultimately serve to create a greenway mall from Oakland Cemetery to the Capitol.

3. If Applicable/Known:

(a) Contract Type-

(b) Source Selection:

- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:** None
- (h) **Term of Contract:**

4. Account Segment : Funding in an amount not to exceed six hundred thousand dollars (\$600,000.00) from Quality of Life Bond 3 Citywide Greenspace Account Segment/PATEO Numbers: 13102550 (PROJECT) 104 (TASK) 313821776 (AWARD) 5411001 (EXPENSE TYPE-LAND); and ACCOUNT SEGMENT NUMBERS-3138 Fund 2008 Quality of Life Bond Fund, 130308 Dept/Org DPW Transportation Design, 5411001 Account Land, 4270000 Function Traffic Engineering, 102550 Project Greenway Trail Projects, 21776 Funding Source 2008 QOL Bond 3138.

5. Source of Funds: Quality of Life Bond 3, as defined in Item 4 above.

6. Fiscal Impact:

This legislation will result in a reduction in the amount of \$600,000.00 to the Account Segment identified above in Item 4.

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Ellen Wickersham, Senior Acquisition Manager, Parks and Greenspace.

#3

07-0-1528

(Do Not Write Above This Line)

AN ORDINANCE BY City of Atlanta COMMUNITY DEVELOPMENT AND HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO APPROVE THE EXPANSION OF THE PREVIOUSLY APPROVED EASTSIDE TAX ALLOCATION DISTRICT MEMORIAL DRIVE GREENWAY CORRIDOR PROJECT AREA, PURSUANT TO ORDINANCE 05-0-2259 ENACTED BY THE CITY COUNCIL OF THE CITY OF NOVEMBER 21, 2005 AND SIGNED BY THE MAYOR ON NOVEMBER 22, 2005, IN ORDER TO INCLUDE BLOCK 7, WHICH IS BOUNDED BY OAKLAND AVENUE, BIGGERS AVENUE, M.L.K., JR. DRIVE, AND GEORGE STREET, TO APPROVE CONFORMING CHANGES TO THE INTERGOVERNMENTAL AGREEMENT RELATING THERETO; TO AUTHORIZE ADDITIONAL FUNDING FOR THE PROJECT TO ACQUIRE BLOCK 7, IN THE AMOUNT OF FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000.00), FROM CITYWIDE GREENWAY TRAILS PROJECT QUALITY OF LIFE BOND FUND, ACCOUNT, AND CENTER NUMBER 1C30 (2004 QUALITY OF LIFE BOND FUND) \$71001 (LAND) 163106359281 (GREENWAY TRAIL PROJECTS); IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000.00) FROM FUND, ACCOUNT, AND CENTER NUMBER 1C28 (GENERAL GOVERNMENT CAPITAL OUTLAY FUND) 571001 (LAND) 112906123988 (GREENSPACE PROGRAM, PARK SOUTH); TO ACCEPT A DONATION FROM THE OAKLAND HISTORICAL FOUNDATION TO FUND THE PROJECT TO ACQUIRE BLOCK 7, IN AN AMOUNT NOT EXCEED NINE HUNDRED THOUSAND DOLLARS (\$900,000.00), FOR TOTAL ADDITIONAL FUNDING IN AN AMOUNT NOT TO EXCEED ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$1,800,000.00); AND AMENDING THE 2007 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET DEPARTMENT OF PARKS AND RECREATION BY TRANSFERRING BETWEEN ACCOUNTS THE SUM OF \$450,000 AND FOR OTHER PURPOSES.

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred	7/16/07
Referred To:	Finance/EX
Date Referred	
Referred To:	
Date Referred	
Referred To:	

Committee	First Reading
Date	
Chair	
Referred To	

Finance/EX
Date 8/1/07
Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members
Chair
Refer To

Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

ADOPTED BY

AUG 20 2007

COUNCIL

Refer To

FINAL COUNCIL ACTION
☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

AUG 20 2007

CERTIFIED
AUG 20 2007
Municipal Clerk

APPROVED

AUG 20 2007
Municipal Clerk



**CITY COUNCIL
ATLANTA, GEORGIA**

AN ORDINANCE


07-O-1528

**BY: COUNCILMEMBERS NATALYN M. ARCHIBONG,
KWANZA HALL AND CARLA SMITH**

AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO APPROVE THE EXPANSION OF THE PREVIOUSLY APPROVED EASTSIDE TAX ALLOCATION DISTRICT MEMORIAL DRIVE GREENWAY CORRIDOR PROJECT AREA, PURSUANT TO ORDINANCE 05-O-2259 ENACTED BY THE CITY COUNCIL OF THE CITY ON NOVEMBER 21, 2005 AND SIGNED BY THE MAYOR ON NOVEMBER 22, 2005, IN ORDER TO INCLUDE BLOCK 7, WHICH IS BOUNDED BY OAKLAND AVENUE, BIGGERS AVENUE, MLK, JR. DRIVE, AND GEORGE STREET; TO APPROVE CONFORMING CHANGES TO THE INTERGOVERNMENTAL AGREEMENT RELATING THERETO; TO AUTHORIZE ADDITIONAL FUNDING FOR THE PROJECT TO ACQUIRE BLOCK 7, IN THE AMOUNT OF FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000.00), FROM CITYWIDE GREENWAY TRAILS PROJECT QUALITY OF LIFE BOND FUND, ACCOUNT, AND CENTER NUMBER: 1C50 (2004 QUALITY OF LIFE BOND FUND) 571001 (LAND) Y63F063592BH (GREENWAY TRAIL PROJECTS); AND IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000.00) FROM FUND, ACCOUNT, AND CENTER NUMBER 1C28 (GENERAL GOVERNMENT CAPITAL OUTLAY FUND) 571001 (LAND) N12P06129988 (GREENSPACE PROGRAM, PARK SOUTH); AND TO ACCEPT A DONATION FROM THE OAKLAND HISTORICAL FOUNDATION TO FUND THE PROJECT TO ACQUIRE BLOCK 7, IN AN AMOUNT NOT EXCEED NINE HUNDRED THOUSAND DOLLARS (\$900,000.00), FOR TOTAL ADDITIONAL FUNDING IN AN AMOUNT NOT TO EXCEED ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$1,800,000.00); AND AMENDING THE 2007 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET DEPARTMENT OF PARKS AND RECREATION BY TRANSFERRING BETWEEN ACCOUNTS THE SUM OF \$450,000.00; AND FOR OTHER PURPOSES.

WHEREAS, in order to encourage the redevelopment of the eastern downtown area of the City of Atlanta, Georgia, the City Council of the City of Atlanta, Georgia (the "City"), by Ordinance 03-O-1846, adopted on December 2, 2003 and signed by the Mayor on December 9, 2003, as amended by the City Council of the City by Ordinance 04-O-0231, adopted on February 16, 2004 and approved by the Mayor on February 24, 2004 (i) adopted the Eastside Redevelopment Plan (the "Redevelopment Plan") pursuant to the authority granted to the City under the Redevelopment Powers Law, O.C.G.A. § 36-44-1, et seq. (the "Act"), and (ii) created the City of Atlanta Tax Allocation District Number Five – Eastside (the "Eastside TAD");



WHEREAS, the City has previously authorized the undertaking and funding of certain parks and greenspace projects, including, without limitation the Memorial Drive Greenway Project, within the TAD pursuant to Ordinance 05-O-2259, adopted on November 21, 2005 and signed by the Mayor on November 22, 2005 (the "Greenway Acquisition Ordinance") (See attached as Exhibit "A"); and

WHEREAS, the Greenway Acquisition Ordinance approved the acquisition of a six block project area bounded by Memorial Drive on the south, MLK Drive on the north, Oakland Cemetery on the east, and Connally Street on the west; and

WHEREAS, the City has appointed the Atlanta Development Authority ("ADA") as the City's redevelopment agency pursuant to the Act for the purpose of implementing the redevelopment initiatives set forth in the Redevelopment Plan, and for other purposes, and said Redevelopment Plan contemplates, among other things, the acquisition and development of parks, greenspace and other similar public improvements;

WHEREAS, the ADA has recommended expanding the Eastside TAD Memorial Drive Greenway Corridor Project Area ("Project") to include Block 7, which is bounded by Oakland Avenue, Biggers Avenue, MLK, Jr. Drive, and George Street, Parcel Identification Numbers 14-0045-0008-034 through 14-0045-0008-046 (See attached as Exhibit "B"); and

WHEREAS, the total additional funding for expanding the Project is an amount not to exceed one million eight hundred thousand dollars (\$1,800,000.00) which shall include the purchase price, due diligence, acquisition costs, demolition and limited development; and

WHEREAS, the City has identified additional funding to expand the Project to include Block 7 in the amount of four hundred fifty thousand dollars (\$450,000.00) from the Citywide Greenway Trails Project Quality of Life Bond Fund, Account, and Center Number: 1C50 (2004 Quality of Life Bond) 571001 (Land) Y63F063592BH (Greenway Trails Projects); and an amount not to exceed four hundred fifty thousand dollars (\$450,000.00) from Fund, Account, And Center Number 1C28 (General Government Capital Outlay Fund) 571001 (Land) N12P06129988 (Greenspace Program, Park South); and a donation from the Historic Oakland Foundation in an amount not to exceed nine hundred thousand dollars (\$900,000.00), for total additional funding in an amount not to exceed one million eight hundred thousand dollars (\$1,800,000.00); and

WHEREAS, the City Council of the City, after full review and consideration of the information available to it, has determined that it is in the best interest of the City to authorize the expansion of the Project to include the aforesaid Block 7, and to authorize the execution of an amendment to that certain Intergovernmental Agreement between the City and the ADA relating to the Project reflecting the said expansion.



THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

SECTION 1: That the Mayor or her designee, the Atlanta Development Authority ("ADA"), on behalf of the City of Atlanta, is authorized to expand the Eastside Tax Allocation District Memorial Corridor Project Area to include Block 7 described in Exhibit "B", to fund the purchase price, due diligence, acquisition costs, demolition and limited development relating to such expansion activities, in the amount of four hundred fifty thousand dollars (\$450,000.00) from the Citywide Greenway Trails Project Quality of Life Bond Fund, Account, and Center Number: 1C50 (2004 Quality of Life Bond Fund) 571001 (Land) Y63F063592BH (Greenway Trail Projects);

SECTION 2: That the Mayor or her designee, the Atlanta Development Authority ("ADA"), on behalf of the City of Atlanta, is authorized to fund the purchase price, due diligence, acquisition costs, demolition and limited development relating to such expansion activities in an amount not to exceed four hundred fifty thousand dollars (\$450,000.00) from Fund, Account, and Center Number: 1C28 (General Government Capital Outlay Fund) 571001 (Land) N12P06129988 (Greenspace Program, Park South);

SECTION 3: That the Mayor or her designee, the Atlanta Development Authority ("ADA"), on behalf of the City of Atlanta, is authorized to accept a donation from the Historic Oakland Foundation in an amount not to exceed nine hundred thousand dollars (\$900,000.00), for total additional funding in an amount not to exceed one million eight hundred thousand dollars (\$1,800,000.00).

SECTION 4: The Mayor is hereby authorized to execute and deliver an amendment to the Intergovernmental Agreement reflecting the authorization to the extent necessary or appropriate to memorialize the expansion of the Memorial Drive Greenway Project as contemplated herein.

SECTION 5: That any and all actions already taken or to be taken by the officers, directors, agents and staff of the City or ADA which are consistent with this Ordinance are hereby authorized, ratified and approved, as applicable, in all respects.

SECTION 6: That the provisions of any and all resolutions or ordinances, as and to the extent in conflict with this Ordinance, be and the same are hereby modified, amended, replaced or waived, as the case may be, but only to the extent of the conflict. For purposes of clarification and without intending to limit the generality of the foregoing whatsoever, it is understood and agreed that except as expressly set forth herein or contemplated hereby, all remaining provisions of the Greenway Acquisition Ordinance shall survive and remain in full force and effect.

SECTION 7: That the 2007 General Government Capital Outlay Fund Budget Department of Parks and Recreation is hereby amended as follows:

TRANSFER FROM APPROPRIATIONS

1C28
792001
T31X04109991

GENERAL GOVERNMENT CAPITAL OUTLAY FUND
Reserve Designated
Admin. Development Recoupment Fees **\$450,000.00**

TRANSFER TO APPROPRIATIONS

1C28
771001
N12P06129988

GENERAL GOVERNMENT CAPITAL OUTLAY FUND
LAND
Greenspace Program Parks South **\$450,000.00**

INCREASE ANTICIPATIONS

3P02
664101
N12P06129988

Trust Fund
Private Contributions & Donations
Greenspace Program, Parks South **\$900,000.00**

INCREASE APPROPRIATIONS

3P02
771001
N12P06129988

Trust Fund
Land
Greenspace Program, Parks South **\$900,000.00**

SECTION 8: That this ordinance shall be effective immediately upon its enactment.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

AUG 20, 2007
AUG 28, 2007

Natalyn Archibong *Carla Smith*
AN ORDINANCE BY COUNCILMEMBERS NATALYN ARCHIBONG, CARLA
SMITH, DEBI STARNES AND CEASAR MITCHELL
Debi Starnes

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE, ON BEHALF OF THE CITY, TO NEGOTIATE FOR AND PURCHASE PARCELS WITHIN THE MEMORIAL DRIVE GREENWAY CORRIDOR IN AN AMOUNT NOT TO EXCEED \$3.3 MILLION, TO PROVIDE UP TO \$100,000 IN DEVELOPMENT IMPROVEMENTS FOR BUTLER PARK AND TO PROVIDE UP TO \$100,000 IN DEVELOPMENT IMPROVEMENTS FOR RAWSON-WASHINGTON PARK, SUCH AMOUNTS TO BE FUNDED SOLELY FROM THE PROCEEDS OF THE CITY'S SERIES 2005 EASTSIDE TAX ALLOCATION DISTRICT ALLOCATED FOR PUBLIC PARKS AND GREENSPACE IMPROVEMENTS, AUTHORIZE THE PAYMENT OF RELOCATION COSTS AND EXPENSES TO OWNERS AND BUSINESSES, ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ATLANTA DEVELOPMENT AUTHORITY AND THE CITY OF ATLANTA DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS; AND FOR OTHER PURPOSES.

WHEREAS, in order to encourage the development of an economically and socially depressed area in the City, the City Council by Ordinance 03-O-1840, adopted on December 1, 2003 and signed by the Mayor on December 9, 2003 (the "Initial Ordinance"), among other matters, (i) created the Eastside Redevelopment Area and Tax Allocation District Number Five – Eastside, (ii) adopted a redevelopment plan for the area (the "Eastside Redevelopment Plan"), (iii) established the intent to issue and sell tax allocation bonds necessary to effectuate the redevelopment of the area, and (iv) authorized the Atlanta Development Authority to act as the redevelopment agent to implement the redevelopment plan pursuant to the provisions of O.C.G.A. § 36-44-1, et seq. (the "Redevelopment Powers Law"); and

WHEREAS, the Initial Ordinance was amended by the City Council by Ordinance 04-O-0231, adopted on February 16, 2004, and signed by the Mayor on February 24, 2004 ("the Ordinance" and, together with the Initial Ordinance, the "City Ordinance"); and

WHEREAS, pursuant to the Redevelopment Powers Law, the City is authorized to finance certain Redevelopment Costs, including without limitation, (i) preservation, protection, renovation, rehabilitation, restoration, alteration, improvement, maintenance and creation of open spaces or green spaces, (ii) clearing, grading and otherwise preparing property for redevelopment, (iii) environmental remediation of property, (iv) demolition of existing buildings, structures and fixtures, (v) relocation costs as authorized by a redevelopment plan for persons or businesses displaced by the implementation of a redevelopment plan, (vi) real property assembly costs, and (vii) professional service costs, including those incurred for planning, engineering, financial, marketing, and legal advice and services; and

WHEREAS, the City Council of the City, by Ordinance No. 05-O-0263 adopted on March 7, 2005 and approved by the Mayor on March 8, 2005 (as subsequently amended, the "Eastside TAD Bond Resolution"), approved, among other things, the issuance and sale of not to exceed \$55,000,000 in principal amount of the City's Tax Allocation Bonds (Eastside Project), Series 2005 in one or more series (the "Series 2005 Bonds"), to pay or otherwise provide for the payment of Redevelopment Costs associated with certain redevelopment projects approved by the City and ADA (collectively, the "2005 Projects", including an allocation of and authorization to fund up to \$5,000,000 of the Series 2005 Bond proceeds for parks and greenspace improvements within the Eastside TAD (the "Greenspace Acquisition Allocation"); and

WHEREAS, the City, pursuant to the Eastside TAD Bond Resolution, authorized up to \$1,500,000 of the Greenspace Acquisition Allocation to be used for a non-parks and greenspace redevelopment project; and

WHEREAS, the City, on August 2, 2005, sold and delivered \$47,850,000 in original aggregate principal amount of Series 2005 Bonds (including \$3,500,000 immediately available for parks and greenspace), pursuant to the authorizations contained in the Eastside TAD Bond Resolution; and

WHEREAS, the Eastside TAD Bond Resolution, subject to certain terms and conditions contained in Section 1.03 thereof, further authorized the allocation of excess tax allocation increments generated within the Eastside TAD to the replenishment of the referenced Greenspace Acquisition Allocation to the extent that less than the full \$5,000,000 authorized by the City for parks and greenspace acquisition improvements is made available from the proceeds of the Series 2005 Bonds; and

WHEREAS, pursuant to the Indenture of Trust dated as of July 1, 2005 (the "Series 2005 Bond Indenture") between the City and Wachovia Bank, National Association, as trustee (the "Trustee"), securing the Series 2005 Bonds, any requisitions for the payment of Redevelopment Costs (as defined in the Redevelopment Powers Law) relating to publicly owned parks and greenspace acquisition(s) shall be accompanied by evidence satisfactory to the Trustee that the expenditure of amounts in the Series Project Account (as created and defined in the Series 2005 Bond Indenture) must be approved by the City Council of the City;

WHEREAS, the City has found and determined that, consistent with the Eastside Redevelopment Plan and the Memorial Drive / MLK Drive Revitalization Plan adopted by the City on October 9, 2001 (the Memorial Drive Plan"), relating to the area generally identified as the area bounded by Memorial Drive on the south, Martin Luther King, Jr. ("MLK") Drive on the north, Oakland Cemetery on the east and the Capitol of the State of Georgia on the west, it is in the best interest of the City and the State of Georgia to create a greenway corridor within the area described above pursuant to the Eastside Redevelopment Plan and the Memorial Drive Plan; and

WHEREAS, in particular, the City has found and determined that it is in the best interest of the City and the State of Georgia to initially target that portion of the area

described in the Memorial Drive Plan as the area bounded by Memorial Drive on the south, MLK Drive on the north, Oakland Cemetery on the east, and Connally Street on the west, and containing six (6) blocks and seventeen (17) parcels more specifically described in the map attached hereto as Exhibit A and by this reference made a part hereof (which target area shall be known as the "Memorial Drive Greenway Project"); and

WHEREAS, the City has also found and determined that it is in the best interest of the City to make certain parks and greenspace improvements and enhancements to Butler Park and Rawson-Washington Park in order to adequately serve the Eastside TAD redevelopment area (the "Butler Park Project" and "the Rawson-Washington Park Project" are collectively, the "Park Projects"), which projects are shown in Exhibit B attached hereto and by this reference made a part hereof; and

WHEREAS, the City has also found and determined that it is in the best interest of the City to authorize the Mayor, pursuant to an Intergovernmental Agreement or other similar contract with her designee, the ADA, to provide (or cause to be provided) the services necessary or appropriate to carry out the purposes and intent of this Ordinance; and


NOW THEREFORE, BE IT ORDAINED BY THE COUCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: The Mayor or her designee, the Atlanta Development Authority ("ADA"), on behalf of the City, is hereby authorized to fund up to \$100,000 for the park improvements and enhancements undertaken in connection with the Butler Park Project, including but not limited to ball field grading, grassing, backstop, and fencing and basketball court resurfacing.

SECTION 2: The Mayor or her designee, the Atlanta Development Authority ("ADA"), on behalf of the City, is hereby authorized to fund up to \$100,000 for the park improvements and enhancements undertaken in connection with the Rawson-Washington Park Project, including but not limited to ball field grading, grassing, backstop, and fencing and basketball court resurfacing.

SECTION 3: The Mayor or her designee, ADA, on behalf of the City, is hereby authorized to negotiate with land owners to purchase real property within the Memorial Drive Greenway Project area described in Exhibit A and to fund relocation costs and expenses and other Redevelopment Costs relating to such redevelopment activities, in an amount not to exceed \$3,300,000.

SECTION 4: The Mayor or her designee, on behalf of the City, is hereby authorized to negotiate, execute and deliver an Intergovernmental Agreement or other similar contract with her designee, ADA, a form of which is attached hereto as Exhibit C and by this reference made a part hereof, with such changes, insertions, filling of blanks



and other modifications that the Mayor, in consultation with the City's Law Department, determines is necessary or appropriate in connection with the carrying out of the purposes and intent of this Ordinance to the extent not inconsistent herewith;

SECTION 5: The Mayor or her designee, ADA, on behalf of the City, is hereby authorized to obtain (or cause to be obtained) surveys, title reports, environmental assessments, and appraisals to establish the fair market value of the properties within the Memorial Drive Greenway Project area. In addition, the Mayor or her designee, ADA, is authorized to obtain and pay for those items and services necessary to purchase real property within the Memorial Drive Greenway Project area, including but not limited to, title insurance, real estate services and acquisition consulting, real estate counsel, building demolition, environmental remediation, grading, closing costs, relocation costs and expenses and to otherwise pay for any other reasonable and customary costs and expenses permissible under the Redevelopment Powers Law and relating to said Memorial Drive Greenway Project.

SECTION 6: Upon the acquisition of any properties as authorized in this Ordinance, the Department of Parks, Recreation and Cultural Affairs, Bureau of Parks, is hereby charged with the responsibility for any all services and costs relating thereto, including maintenance, security, insurance and other matters.

SECTION 7: The requirements of the City Code § 2-1541 (d), of the Procurement and Real Estate Code, are hereby waived to allow the purchase of the real property within the Memorial Drive Greenway Project area, on behalf of the City, as contemplated in this Ordinance without further authorization by the City Council.

SECTION 8: The Mayor or her designee, ADA, on behalf of the City is authorized to execute any and all purchase and sale agreements, deeds, instruments or other documents that the City's Law Department deems to be necessary or advisable in order to carry into effect the purposes and intent of this Ordinance; provided, however, that all deeds conveying title to any property acquired pursuant to this Ordinance shall contain a deed restriction requiring that such property be used for parks, greenspace or other similar recreational purposes only.

SECTION 9: The City Attorney is hereby authorized to review and approve (in consultation with counsel selected by ADA or other designee of the Mayor) any and all purchase and sale agreements, deeds, instruments, or other documents which must be signed or otherwise delivered by the City and that are deemed necessary or advisable to carry into effect the purpose and intent of this Ordinance.

SECTION 10: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed only to the extent of the conflict.

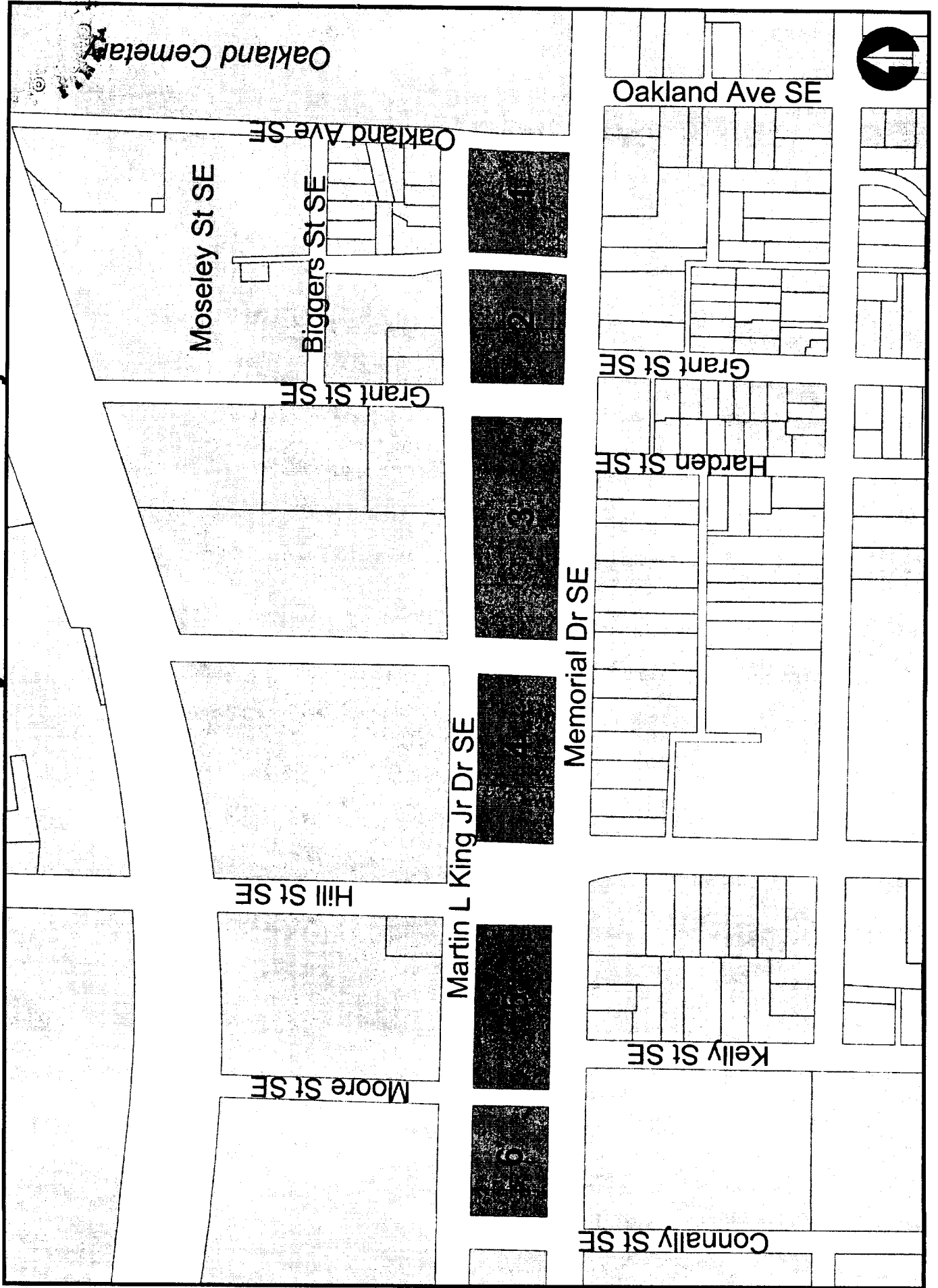
A true copy,


Municipal Clerk, CMC

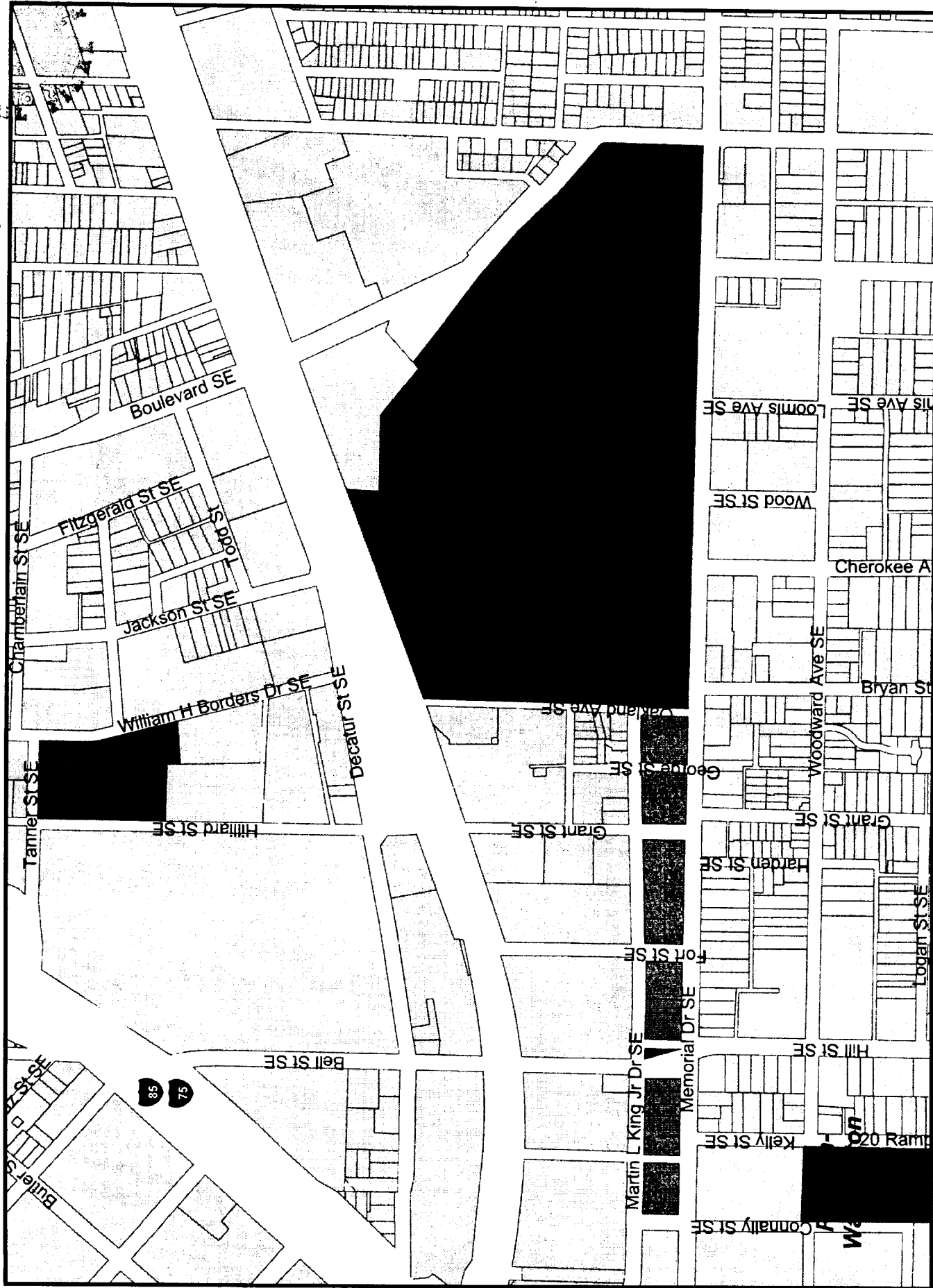
ADOPTED by the Council
APPROVED by the Mayor

November 21, 2005
November 22, 2005

Memorial Drive Greenway Corridor Project Exhibit "A"



2005 Greenspace Projects: Butler Park and Rawson-Washington Park Projects Exhibit "B"



**EXHIBIT C -
EASTSIDE TAX ALLOCATION DISTRICT PARKS AND GREENSPACE PROJECT
INTERGOVERNMENTAL AGREEMENT**

STATE OF GEORGIA
COUNTY OF FULTON

THIS INTERGOVERNMENTAL AGREEMENT (the "**Agreement**") is made and entered into effective as of the ____ day of _____, 2005, by and between the City of Atlanta, Georgia, ("**City**") a municipal corporation duly established under the laws of the State of Georgia and the Atlanta Development Authority ("**ADA**"), a body corporate and politic established under the laws of the State of Georgia.

WHEREAS, pursuant to Art. 9, Para. 1 of the Constitution of the State of Georgia, an ordinance of the City enacted by the Council of the City on _____, 2005 and approved by the Mayor of the City on _____, 2005 (the "**City Ordinance**"), and a resolution of the Board of Directors of ADA adopted on _____, 2005 (the "**ADA Resolution**") the City and ADA are authorized to enter into an Intergovernmental Agreement for a period not to exceed fifty (50) years to memorialize the terms and conditions upon which ADA will serve as the City's agent; and.

WHEREAS, ADA plans to acquire six (6) blocks and seventeen (17) parcels, located in the City in the area described in the City's Memorial Drive Plan, which are bounded by Memorial Drive on the south, MLK Drive on the north, Oakland Cemetery on the east, and Connally Street on the west, to be collectively known as the "Memorial Drive Greenway Project"), and finance improvements and enhancements to Butler Park and Rawson-Washington Park to be made by the Department of Parks, Recreation and Cultural Affairs (the "Park Projects"), all such projects to be located within the City's Tax Allocation District Number Five - Eastside (the "Eastside TAD"); and

WHEREAS, ADA shares the City's commitment to acquiring additional parkland, and improving and enhancing the City's available parks and greenspace, particularly, the Memorial Drive Greenway Project and the Park Projects referred to above; and

WHEREAS, ADA has previously provided and continues to provide Redevelopment Agency Services for or on behalf of the City, and is also willing to provide the Eastside TAD Parks and Greenspace Services as contemplated in the City Ordinance as evidenced by the ADA Resolution; and

WHEREAS, the City has determined that it is in its best interest to authorize ADA to provide the Eastside TAD Parks and Greenspace Services.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and in consideration of the mutual promises and undertakings contained herein, the parties hereto do hereby agree and consent to the following:

Section 1. The City hereby authorizes ADA to:

- a. Serve as its agent with respect to the Memorial Drive Greenway Project and the Park Projects and, in such capacity to provide or cause to be provided the Eastside TAD Parks and Greenspace Services.
- b. The City hereby authorizes ADA to fund the costs of said projects, including, without limitation, the reasonable costs and expenses associated with the provision of the Eastside TAD Parks and Greenspace Services, from the Greenspace Acquisition Allocation (as defined in the City Ordinance) and any other funds legally available therefor which the City or ADA may properly authorize for such purposes; provided, however, that all such expenditures must comply with all applicable legal requirements.

Section 2. The City and ADA hereby agree that the Eastside TAD Parks and Greenspace Services shall include, without limitation:

- a. The overall coordination and implementation of the Memorial Drive Greenway Project.
- b. The identification and prioritization of the properties targeted as part of the Memorial Drive Greenway Project, the negotiation and analysis of applicable purchase prices and the analysis and determination of the other costs relating to such acquired properties.
- c. Serving as a point of contact for and coordinator with various City agencies, the State of Georgia, community and civic groups and other stakeholders interested in said projects and the revitalization and growth of the Eastside TAD (as applicable).
- d. The provision of (or contracting for) general feasibility, analytical, due diligence, environmental, legal and other consulting services, brownfield remediation, and building demolition relating to the Memorial Drive Greenway Project.
- e. The formulation, review and authorization of development incentives and opportunities, (including, without limitation, relocation expenses), available to businesses relocating from the target area for the Memorial Drive Greenway Project, and such other activities as the parties may reasonably agree.
- f. With respect to the foregoing, the City agrees to use its best efforts to expedite any and all City controlled processes relating to the contemplated business relocations as part of the Memorial Drive Greenway Project, including but not limited to, business licensing, planning and land use review and approval, and building permits.
- g. The parties further agree that ADA will handle, or cause to be handled, all brownfield and other environmental remediation and investigation services, and any demolition and site preparation work prior to turning any property acquired for the benefit of the Memorial Drive Greenway Project over to The Department of Parks, Recreation and Cultural Affairs.

- h. The City may terminate this agreement without cause with thirty days (30) written notice, and at no cost to either party.

Section 3. The City and ADA further agree that the Department of Parks, Recreation and Cultural Affairs shall be responsible for the overall coordination and implementation of the Park Projects. The parties agree that the City will provide invoices for the Park Projects' costs, expenses and services to ADA and ADA will, in turn, requisition for reimbursement for such costs, expenses and services to the order of the City from the Greenspace Acquisition Allocation.

The Department of Parks, Recreation and Cultural Affairs shall be responsible for the overall coordination and implementation of the Park Projects.

Section 4. The parties hereby agree that the term of this Agreement shall be for five (5) years. The parties further agree that this Agreement may be extended, renewed, modified or otherwise amended upon the written consent of both parties, including, without limitation, the extension of the initial term hereof, and/or modifications to the scope of the services contemplated herein.

Section 5. ADA agrees to provide the City with such documents and information as may be reasonably requested in order to establish compliance by ADA with the requirements and conditions set forth in this Agreement, the various bond documents governing the use of the Greenspace Acquisition Allocation and other applicable provisions of law, including, without limitation, budgets and other financial records demonstrating the proper expenditure of the sums paid hereunder, materials relating to redevelopment and acquisition activities contemplated hereby, the appraisals or other valuations determined for the acquired parcels, the relocation payments made and any other materials prepared in connection with ADA's performance under this Agreement or reasonably requested to be so prepared by the City.

Section 6. This Agreement shall be governed by and construed under the laws of the State of Georgia.

Section 7. Time is of the essence in this Agreement.

Section 8. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which when taken together constitute a single document.

Section 9. This Agreement shall remain in effect until _____, 20__ unless extended or earlier terminated in writing by the parties.

Section 10. The provisions of this Agreement shall be deemed independent and severable. In the event any one or more of the provisions contained herein shall, for any reason, be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of the Agreement.

Signed, sealed and delivered before
me as of the date first above written.

CITY OF ATLANTA, GEORGIA

By: _____ (SEAL)

Printed Name: _____

Title: _____

Notary Public _____

My commission expires:

[NOTARIAL SEAL]

Attest: _____ (SEAL)

Printed Name: _____

Title: _____

Signed, Sealed and delivered before
me as of the date first above written.

APPROVED AS TO FORM:

Notary Public _____

My commission expires:

[NOTARIAL SEAL]

City Attorney

Signed, sealed and delivered before
me as of the date first above written.

APPROVED:

Notary Public _____

My commission expires:

[NOTARIAL SEAL]

Commissioner, DPRCA

Signed, sealed and delivered before
me as of the date first above written.

ATLANTA DEVELOPMENT AUTHORITY

By: _____ (SEAL)

Printed Name: _____

Notary Public _____

My commission expires:

[NOTARIAL SEAL]

Title: _____

Attest: _____ (SEAL)

Printed Name: _____

Title: _____

08-0-2314

Do Not Write Above This Line
AN ORDINANCE BY *Black County*

AN ORDINANCE AMENDING AND SUPPLEMENTING
CERTAIN ORDINANCE 05-0-2259 ENACTED
BY THE CITY COUNCIL OF THE CITY ON NOVEM-
BER 21, 2005 AND SIGNED BY THE MAYOR ON
NOVEMBER 22, 2005 TO AUTHORIZE ADDITIONAL
FUNDING FOR THE MEMORIAL DRIVE GREENWAY
PROJECT IN AN AMOUNT NOT TO EXCEED SIX
HUNDRED THOUSAND DOLLARS (\$600,000.00)
FROM THE QUALITY OF LIFE BOND 3 CITYWIDE
GREENSPACE FUNDS ACCOUNT SEGMENT/PATEO
NUMBER: 13102550 (PROJECT) 104 (TASK) 3138
21776 (AWARD) 5411001 (EXPENSE TYPE-LAND);
AND ACCOUNT SEGMENT NUMBERS-3138 FUND 2008
QUALITY OF LIFE BOND FUND, 130308 DEPT/ORG
DEW TRANSPORTATION DESIGN, 5411001 ACCOUNT
LAND, 4270000 FUNCTION TRAFFIC ENGINEERING
102550 PROJECT GREENWAY TRAIL PROJECTS,
21776 FUNDING SOURCE 2008 QOL BOND 3138;
APPROVING CONFORMING CHANGES TO THE INTER-
GOVERNMENTAL AGREEMENT RELATING THERETO;
AND FOR OTHER PURPOSES.

- ☐ **CONSENT REFER**
☐ **REGULAR REPORT REFER**
☐ **ADVERTISED & REFER**
☐ **1st ADOPT 2nd READ & REFER**
☒ **PERSONAL PAPER REFER**

Date Referred 11/17/08
Referred To: Fin/Exec
Date Referred
Referred To:
Date Referred
Referred To:

First Reading

Committee _____
Chair _____
Referred to _____

Committee	Date	Chair	Rev, Adv, Held (see rev. side)
Members			
Refer To			

Committee	Date	Chair	Rev, Adv, Held (see rev. side)
Members			
Refer To			

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☐ RC Vo

CERTIFIED

MAYOR'S ACTION